

TAB 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: '318 PATENT INFRINGEMENT)	
LITIGATION)	
JANSSEN PHARMACEUTICA N.V.,)	Civil Action No. 05-356-KAJ
)	(consolidated)

STIPULATION NOT TO CONTEST INFRINGEMENT

IT IS HEREBY STIPULATED, CONSENTED, AND AGREED TO by and between the parties hereto as follows:

(1) Plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P., and Synaptech, Inc. (collectively, "Plaintiffs") and Defendants Alphapharm Pty Ltd. ("Alphapharm"), Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc. (collectively, "Barr"), Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. (collectively, "Dr. Reddy's"), Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc. (collectively, "Mylan"), Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (collectively, "Par"), Purepac Pharmaceutical Co. and Alpharma, Inc. (collectively, "Purepac"), and Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (collectively, "Teva") (collectively, the "Defendants") are parties to this consolidated patent infringement case involving Plaintiffs' U.S. Patent No. 4,663,318 ("the '318 patent").


(2) In order to simplify this consolidated action and obtain an earlier trial date, consistent with the Court's statements during the October 12, 2005 status hearing, Defendants agree that they will not contest the issue of whether the commercial use of the drug products described in abbreviated new drug application No. 77-585 (Purepac), No. 77-587 (Teva), No. 77-590 (Mylan), No. 77-593 (Dr. Reddy's), No. 77-603 (Alphapharm), No. 77-604 (Par), and No. 77-605 (Barr) infringe claims 1 and 4 of the

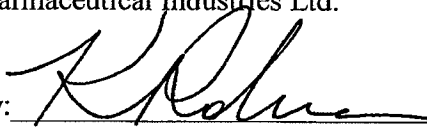
'318 patent, if valid and enforceable, under 35 U.S.C. § 271(b). Defendants' agreement not to contest infringement does not limit or otherwise affect each Defendant's ability to defend against Plaintiffs' infringement claims on any other ground, including, but not limited to, asserting defenses of invalidity and/or unenforceability of claims 1 and 4 of the '318 patent.

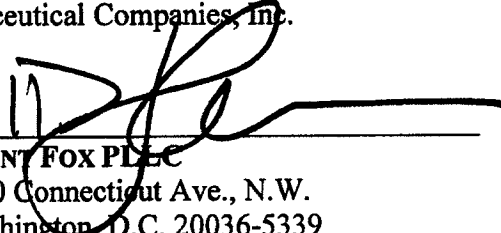
(3) Plaintiffs will not seek discovery from Defendants relating to the issue of infringement of the '318 patent.


(4) Plaintiffs will not assert that the commercial manufacture, use, sale, offer for sale, or importation of the drug products described in abbreviated new drug application No. 77-585 (Purepac), No. 77-587 (Teva), No. 77-590 (Mylan), No. 77-593 (Dr. Reddy's), No. 77-603 (Alphapharm), No. 77-604 (Par), and No. 77-605 (Barr) infringe any claim of the '318 patent, other than claims 1 and 4.

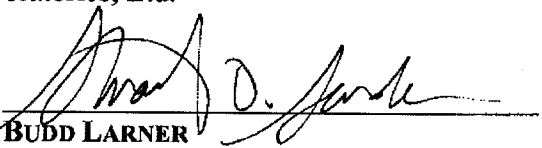
(5) Plaintiffs and Defendants reserve all rights to appeal any decision of this Court with respect to the issues of validity and/or enforceability of claims 1 and 4 of the '318 patent, and the entry of any such judgment as it pertains to validity and/or enforceability of these claims.


November __, 2005	<p>Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc.</p> <p>By: _____ COVINGTON & BURLING 1201 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2401 Telephone: (202) 662-6000</p> <p><i>Attorneys for Plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc.</i></p>
November <u>10</u> , 2005	<p>Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc.</p> <p>By:  RAKOCZY MOLINO MAZZOCHI SIWIK LLP 6 West Hubbard St., Suite 500 Chicago, Illinois 60610 Telephone: (312) 527-2157</p> <p><i>Attorneys for Defendants Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc.</i></p>
November __, 2005	<p>Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.</p> <p>By: _____ KIRKLAND & ELLIS LLP 655 15th Street, N.W. Washington, D.C. 20005-5793 Telephone: (202) 879-5000</p> <p><i>Attorneys for Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.</i></p>

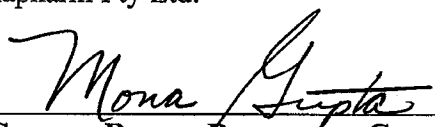
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November <u>10</u> , 2005	<p>Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc.</p> <p>By:  AREN FOX PLLC 1050 Connecticut Ave., N.W. Washington, D.C. 20036-5339 Telephone: (202) 857-6000</p> <p><i>Attorneys for Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc.</i></p>
November __, 2005	<p>Purepac Pharmaceutical Co. and Alharma, Inc.</p> <p>By: _____ LATHAM & WATKINS LLP 885 Third Avenue, Suite 1000 New York, New York 10022-4802 Telephone: (212) 906-1200</p> <p><i>Attorneys for Defendants Purepac Pharmaceutical Co. and Alharma, Inc.</i></p>
November __, 2005	<p>Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd.</p> <p>By: _____ BUDD LARNER 150 John F. Kennedy Parkway Short Hills, New York 07078-0999 Telephone: (973) 315-4462</p> <p><i>Attorneys for Defendants Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd.</i></p>

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November <u>10</u> , 2005	<p>Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc.</p> <p>By: <u></u> WINSTON & STRAWN LLP 35 West Wacker Drive Chicago, Illinois 60601 Telephone: (312) 558-5000</p> <p><i>Attorneys for Defendants Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc.</i></p>
November __, 2005	<p>Alphapharm Pty Ltd.</p> <p>By: _____ CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 1635 Market Street, 11th Floor Philadelphia, Pennsylvania 19103-2212 Telephone: (215) 567-2010</p> <p><i>Attorneys for Defendant Alphapharm Pty Ltd.</i></p>

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